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10/035,794	10/18/2001	Jay Carstens	10005736-1	3950

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
	2155

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/035,794	CARSTENS ET AL.
	Examiner Victor Lesniewski	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/19/2003</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This application has been examined.
2. Claims 1-21 are pending.

Information Disclosure Statement

3. The IDS filed 5/19/2003 has been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

6. Claim 15 states the peripheral device of claim 13 "further comprising a third means..." Since a third means has already been stated in claim 13, it is unclear as to whether this "third means" is a new means of the device or whether it is a modification of the already mentioned third means. The use of the phrase "further comprising a third means" makes the scope of claim 15 indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 6-9, and 12-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Murphy (U.S. Patent Number 5,305,195).

9. Murphy has disclosed:

- <Claim 1>

A peripheral device operable to be coupled to a computer communication network, the peripheral device comprising: a content delivery device operable to deliver electronic content information (column 7, lines 23-31); and a content delivery module coupled to the content delivery device and operable to retrieve the electronic content information, the content delivery module further operable to determine an appropriate time to deliver the electronic content information, and operable to deliver the electronic content information via the content delivery device (column 7, line 51 through column 8, line 2).

- <Claim 2>

The peripheral device of Claim 1, wherein the content delivery device is a display screen for visual content delivery (figure 1, item 20).

- <Claim 3>

The peripheral device of Claim 1, wherein the content delivery device is a speaker for auditory content delivery (column 4, lines 64-68).

- <Claim 6>

The peripheral device of Claim 1, wherein the content delivery module retrieves the electronic content information from a remote content server (figure 2, item 30).

- <Claim 7>

The peripheral device of Claim 1, wherein the content delivery module retrieves the electronic content information from a local storage unit (figure 5, item 74).
- <Claim 8>

The peripheral device of Claim 1, wherein the electronic content information is determined from a user identification (column 3, lines 29-40).
- <Claim 9>

The peripheral device of Claim 1, further comprising an input device for receiving user input (figure 5, item 82).
- <Claim 12>

The peripheral device of Claim 1 wherein the appropriate time being substantially when the content delivery device is idle (column 7, line 61 through column 8, line 2).
- <Claim 13>

A peripheral device operable to be coupled to a computer communication network, the peripheral device comprising: a content delivery device operable to deliver electronic content information (column 7, lines 23-31); a first means for determining an appropriate time to deliver the electronic content information (column 7, lines 51-60); a second means for retrieving the electronic content information (column 7, lines 56-58); and a third means for delivering electronic content information via the content delivery device (column 7, lines 58-60).

- <Claim 14>

The peripheral device of Claim 13, further comprising an input device for receiving user input (figure 5, item 82).
- <Claim 15>

The peripheral device of Claim 13, further comprising a third means for detecting user identification information, wherein the user identification information is used to retrieve electronic content information (column 3, lines 11-40).
- <Claim 16>

In a peripheral device, a method of delivering electronic content information comprising: retrieving electronic content information (column 7, lines 56-58); determining when a content delivery device coupled to the peripheral device is idle (column 7, lines 51-56); and responsive to determining that the content delivery device is idle, delivering the electronic content information via the content delivery device (column 7, lines 51-60).
- <Claim 17>

The method of Claim 16, wherein the content delivery device is a speaker for auditory electronic delivery (column 4, lines 64-68).
- <Claim 18>

The method of Claim 16, wherein the content delivery device is a display screen for visual electronic delivery (figure 1, item 20).

- <Claim 19>

The method of Claim 16, further comprising: determining a user identification (column 3, lines 29-32); and responsive to determining a user identification, retrieving the electronic content information associated with the user identification (column 3, lines 29-40).

- <Claim 20>

The method of Claim 19, further comprising determining accounting information associated with the user identification for placing product or service orders (column 3, lines 29-40).

Since all the limitations of the invention as set forth in claims 1-3, 6-9, and 12-20 were disclosed by Murphy, claims 1-3, 6-9, and 12-20 are rejected.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, as applied above, in view of Cohen et al. (U.S. Patent Number 6,076,094), hereinafter referred to as Cohen.

12. Murphy disclosed an interactive advertising system having a plurality of remotely located terminals. In an analogous art, Cohen disclosed a method for broadcasting data to remote devices. Both systems communicate data from a central computer or database to remote devices.

13. Concerning claims 4 and 5, Murphy did not explicitly disclose the scenarios where the content delivery device or the content delivery module is remotely coupled to the peripheral. However, Cohen states the use of a display board wherein the processing for data delivery is accomplished separate from the actual display board, which only receives the data for display. See Cohen, column 16, lines 46-56. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Murphy by adding the ability to maintain the content delivery device or the content delivery module as remote as provided by Cohen. Here, the combination satisfies the need for a system wherein data can be distributed from a central server to users at remote locations in a variety of ways. See Cohen, column 1, lines 32-38.

14. Thereby, the combination of Murphy and Cohen discloses:

- <Claim 4>
The peripheral device of Claim 1, wherein the content delivery device is remotely coupled to the peripheral device (Cohen, figure 8, item 230).
- <Claim 5>
The peripheral device of Claim 1, wherein the content delivery module is remotely coupled to the peripheral device (Cohen, figure 8, item 230).

Since the combination of Murphy and Cohen discloses all of the above limitations, claims 4 and 5 are rejected.

15. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, as applied above, in view of Plasson et al. (U.S. Patent Number 6,795,688), hereinafter referred to as Plasson.

16. Murphy disclosed an interactive advertising system having a plurality of remotely located terminals. In an analogous art, Plasson disclosed a method for adapting a device to be communicatively coupled in a wireless personal area network. Both systems communicate data from a central computer or host devices to remote devices.

17. Concerning claims 10 and 11, Murphy did not explicitly disclose a sensor module that communicates with a remote electronic device. However, Plasson states the use of devices in a personal area network that are able to sense and communicate with other devices. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Murphy by adding the ability to utilize a sensor module that communicates with a remote electronic device as provided by Plasson. Here, the combination satisfies the need for a network which can efficiently accommodate its remote devices even though each device may have its own respective characteristics. See Plasson, column 5, lines 22-29.

18. Thereby, the combination of Murphy and Plasson discloses:

- <Claim 10>

The peripheral device of Claim 1, further comprising a sensor module (Plasson, figures 3A-B, item 340) operable to receive transmissions from a remote electronic device (Plasson, figures 3A-B, item 390).

- <Claim 11>

The peripheral device of Claim 10 wherein the sensor module is further operable to detect an electronic device within its proximity (Plasson, column 17, lines 53-67).

Since the combination of Murphy and Plasson discloses all of the above limitations, claims 10 and 11 are rejected.

19. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, as applied above, in view of Official Notice.

20. The combination discloses:

- <Claim 21>

The method of Claim 16 wherein the electronic content information is determined from a document's contents (Official Notice).

Murphy provides a server or central computer from which electronic content information is transferred to remote terminals. The ability to store data on a server or central computer based on a document was well known in the art at the time of the applicant's invention. A document could have been created on a computer via a word processing program or the like and transferred to the server via the many well known ways to move data from one computer to another. Or a paper document could easily have been scanned and stored in the server as is well known in the art. Therefore, Official Notice is taken.

Since the combination of Murphy and Official Notice discloses all of the above limitations, claim 21 is rejected.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Wolff (U.S. Patent Number 6,209,048) disclosed a peripheral that provides access to online documents over a network.
- Gonzalo (U.S. Patent Number 6,796,494) disclosed a method of creating user identification cards that can be used at public terminals to configure a terminal in a similar way to a user's own computer system.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VZ
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SUPERVISORY PATENT EXAMINER